UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE SEMELBAUER, et. al., Plaintiffs,	Case No. 1:14-cv-01245-JTN
Vs.	HON. JANET T. NEFF
MUSKEGON COUNTY, a municipal Corporation; et. al., Defendants	MAGISTRATE: HON. ELLEN S. CARMODY

BRIEF IN SUPPORT OF DEFENDANT MUSKEGON COUNTY'S STATEMENT IN OPPOSITION TO PLAINTIFFS' REQUEST FOR AN ADDITIONAL SETTLEMENT CONFERENCE

On May 22, 2017, at 7:23 p.m., Plaintiffs filed a request for the court, Honorable Ellen S. Carmody, to schedule another settlement conference in this action. (ECF 174). The Court acted promptly the following morning, May 23, 2017, on Plaintiffs' request and representations, by issuing a Notice of continued early settlement conference for May 31, 2017 at 2:00 p.m. (ECF 175).

Later in the morning, May 23, 2017, Defendant County of Muskegon filed its Response in Opposition to Plaintiffs' motion. (ECF 176). The Court followed in the afternoon with a Notice canceling the previously scheduled early settlement conference. (ECF 177).

Plaintiffs have since filed a Brief in Support of their earlier Motion for Continued Settlement Conference. [1]

[1] One sentence of Plaintiffs' Brief filed May 23, 2017, at 5:00 p.m., at pp. 1-2, states *"Although Defendants' response misrepresents the history of the parties' written exchanges and discussions, Plaintiffs do not believe it appropriate to recount the details of negotiations in a court filing and therefore did not do so in their request for a settlement conference and will not do so here."* At 5:22 p.m. undersigned counsel sent an electronic message to Plaintiffs' counsel requesting support for the statement that Defendants misrepresented "history" in its short statement to the Court opposing Plaintiffs' settlement conference request, but no reply has been received.

Defendant County of Muskegon reasserts its position set forth in its statement in opposition to another early settlement conference. Time was spent preparing and distributing a proposed, comprehensive settlement and release agreement. It contained terms and conditions on the subjects reviewed at earlier settlement conferences, as well as other terms, not specifically addressed at earlier conferences, but which are typically included in releases intended to secure a full and final resolution of claims.

Plaintiffs are, of course, at liberty to take advantage of Defendants proposal and agree to it. Plaintiffs are equally at liberty to reject it. They can make their informed decisions in confidential conferences with their several, able attorneys. In either event, respectfully speaking, neither party needs to burden the Court and inconvenience all parties and representatives, by having a settlement conference at the courthouse to permit Plaintiffs to make an election.

Moreover, Plaintiffs' Brief, at p. 3, acknowledges that it would be unnecessary, in their opinion, for Defendants' insurance representatives to appear at the requested additional settlement conference. Fair enough. But then Plaintiffs go further in stating that, if there was another settlement conference scheduled, counsel "*believes that the presence of the individual Plaintiffs is not necessary for these discussions, which would focus on clarifying the terms of Defendants' offer.*"

Again, Defendants have clarified their position to Plaintiffs in this regard, in writing, and await their reply.

Secondly, even if that were not the case, the suggestion that another settlement conference could be productive without the participation and presence of all Plaintiffs makes little sense. It further demonstrates the absence of any necessity for a conference. Without the Plaintiffs, there would be no authority for making decisions, and the parties would inevitably leave the conference with no resolution, right back to the position we are presently in, waiting for a response to an offer.

Dated: May 24, 2017

Respectfully submitted,

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